

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF OKLAHOMA

FILED

MAY 21 2021

CARMELITA REEDER SHINN, CLERK
U.S. DIST. COURT, WESTERN DIST. OKLA.
BY DEPUTY

Jerome Adrian David,

(Enter the full name of the plaintiff.)

v.

CIV-21-534-SLP

Case No. _____
(Court Clerk will insert case number)

(1) Scott Crow,

(2) Lonnie Lawson,

(3) Persli Elsi.

(Enter the full name of each defendant. Attach additional sheets as necessary.)

PRO SE PRISONER CIVIL RIGHTS COMPLAINT

Initial Instructions

1. You must type or legibly handwrite the Complaint, and you must answer all questions concisely and in the proper space. Where more space is needed to answer any question, you may attach a separate sheet.
2. You must provide a full name for each defendant and describe where that defendant resides or can be located.
3. You must send the original complaint and one copy to the Clerk of the District Court.
4. You must pay an initial fee of \$400 (including a \$350 filing fee and a \$50 administrative fee). The complaint will not be considered filed until the Clerk receives the \$400 fee or you are granted permission to proceed *in forma pauperis*.
5. If you cannot prepay the \$400 fee, you may request permission to proceed *in forma pauperis* in accordance with the procedures set forth in the Court's form application to proceed *in forma pauperis*. See 28 U.S.C. § 1915; Local Civil Rule 3.3.

V.

(4) Linda Eike

(5) Susan Goodwin

(6) Rhodona Thomas

(7) T. Laver

(8) Tammy Foster

(9) Paul Haines

(10) Cheri Atkinson

(11) Carri Bridges

(12) Pludau

(13) Glover

4. Defendant No. 3

Name and official position: Case Manager Susan Goodwin

Place of employment and/or residence: WSKCC P.O Box 61, Fort Supply, Oklahoma 73841

How is this person sued? ☐ official capacity, ☐ individual capacity, ☒ both

5. Defendant No. 4

Name and official position? Medical Services Manager Cheri Atkinson

Place of employment and/or residence: 3300 North Martin Luther King Ave. Oklahoma City, Oklahoma 73111

How is this person sued? ☐ official capacity, ☐ individual capacity, ☒ both

6. Defendant No. 5

Name and official position? CHSA RN Tammy Foster

Place of employment and/or residence: WSKCC P.O Box 61 Fort Supply, Oklahoma 73841

How is this person sued? ☐ official capacity, ☐ individual capacity, ☒ both

7. Defendant No. 6

Name and official position: Deputy Warden Carrie Bridges

Place of employment and/or residence: WSKCC P.O Box 61, Fort Supply, Oklahoma 73841

How is this person sued? ☐ official capacity, ☐ individual capacity, ☒ both

8. Defendant No. 7

Name and official position: Kitchen Supervisor Persli Elsi

Place of employment and/or residence: WSKCC P.O Box 61, Fort Supply, Oklahoma 73841

How is this person sued? ☐ official capacity, ☐ individual capacity, ☒ both

9. Defendant No. 8

Name and official position: Unit Manager Linda Eike

Place of employment and/or residence: WSKCC P.O Box 61, Fort Supply, Oklahoma 73841

How is this person sued? ☐ official capacity, ☐ individual capacity, ☒ both

10. Defendant No. 9

Name and official position: D.D.S Paul Haines

Place of employment and/or residence: WSKCC P.O Box 61 Fort Supply,
Oklahoma 73841

How is this person sued? ☐ official capacity, ☐ individual capacity, ☒ both

11. Defendant No. 10

Name and official position: Supervisor Rhodona Thomas

Place of employment and/or residence: WSKCC P.O Box 61 Fort Supply,
Oklahoma 73841

How is this person sued? ☐ official capacity, ☐ individual capacity, ☐ both

12. Defendant No. 11

Name and official position: OCS T. Lauer

Place of employment and/or residence: WSKCC P.O Box 61 Fort Supply,
Oklahoma 73841

How is this person sued? ☐ official capacity, ☐ individual capacity, ☒ both

13. Defendant No. 12

Name and official position: Kitchen Supervisor Pludau

Place of employment and/or residence: WSKCC P.O Box 61 Fort Supply,
Oklahoma 73841

How is this person sued? ☐ official capacity, ☐ individual capacity, ☒ both

14. Defendant No. 13

Name and official position: Kitchen Supervisor Glover

Place of employment and/or residence: WSKCC P.O Box 61 Fort Supply,
Oklahoma 73841

How is this person sued? ☐ official capacity, ☐ individual capacity, ☒ both

Note: Plaintiff intends to add more defendants to claim but do to emergency request for injunctive relief from pain from teeth. I have been dealing with this pain and infections for over a year I really need the Court to order defendants to treat me or atleast provide pain medicine, or antibiotics! I need to get this in Court immediately the periodontal is spreading to other teeth causing pain.

2. Prior Civil Action / Appeal No. 2

a. Parties to previous lawsuit:

Plaintiff(s): Jerome A. David

Defendant(s): Aaron Wilson et al

b. Court and docket number: Western District Court / CIV-19-1082

c. Approximate date of Filing: Nov. 19, 2019

d. Issues raised: 6th Amendment, 8th Amendment conditions in Oklahoma County Jail unsanitary plus Court procedure

e. Disposition: Case was Dismissed due to being shipped to different facilities due to COVID-19 and I didn't have access to law library or any legal assistance to help me properly send out subpoenas, because I was being Quarantined from COVID. I don't think it was fair this case got dismissed because I was being quarantined and I didn't or couldn't get access to legal guidance to properly send out subpoenas.

- If the court grants your request, the \$50 administrative fee will not be assessed and your total filing fee will be \$350.
- You will be required to make an initial partial payment, which the court will calculate, and then prison officials will deduct the remaining balance from your prison accounts over time.
- These deductions will be made until the entire \$350 filing fee is paid, **regardless of how the court decides your case.**

7. The Court will review your complaint before deciding whether to authorize service of process on the defendants. *See* 28 U.S.C. §§ 1915(e)(2), 1915A; 42 U.S.C. § 1997e(c)(1). If the Court grants such permission, the Clerk will send you the necessary instructions and forms.

8. If you have been granted permission to proceed *in forma pauperis*, the United States Marshals Service will be authorized to serve the defendants based on information you provide. If you have not been granted permission to proceed *in forma pauperis*, you will be responsible for service of a separate summons and copy of the complaint on each defendant in accordance with Rule 4 of the Federal Rules of Civil Procedure.

COMPLAINT

I. Jurisdiction is asserted pursuant to:

✓ 42 U.S.C. § 1983 and 28 U.S.C. § 1343(a)(3) (NOTE: these provisions generally apply to state prisoners), or

____ *Bivens v. Six Unknown Named Agents of Fed. Bureau of Narcotics*, 403 U.S. 388 (1971), and 28 U.S.C. § 1331 (NOTE: these provisions generally apply to federal prisoners)

If you want to assert jurisdiction under different or additional statutes, list these below:

II. State whether you are a:

- ☒ Convicted and sentenced state prisoner
☐ Convicted and sentenced federal prisoner
☐ Pretrial detainee
☐ Immigration detainee
☐ Civilly committed detainee
☐ Other (please explain) _____

III. Previous Federal Civil Actions or Appeals

List each civil action or appeal you have brought in a federal court while you were incarcerated or detained in any facility.

1. Prior Civil Action/Appeal No. 1

a. Parties to previous lawsuit:

Plaintiff(s): ~~Kathryn Savage et al~~ Jerome David _____

Defendant(s): Kathryn Savage et al _____

b. Court and docket number: CIV - 19 - 789 / Western District Court

c. Approximate date of filing: Aug 28, 2019 _____

d. Issues raised: 4th Amendment, 14th Amendment _____

e. Disposition (for example: Did you win? Was the case dismissed? Was summary judgment entered against you? Is the case still pending? Did you appeal?): Case still pending waiting on appeal to try to get

overturned through a habeas corpus _____

f. Approximate date of disposition: N/A _____

If there is more than one civil action or appeal, describe the additional civil actions or appeals using this same format on a separate sheet(s).

IV. Parties to Current Lawsuit

State information about yourself and each person or company listed as a defendant in the caption (the heading) of this complaint.

1. Plaintiff

Name and any aliases: Jerome A. David

Address: P.O. Box 61, Fort Supply, Oklahoma 73841

Inmate No.: 421027

2. Defendant No. 1

Name and official position: Scott Crow, Director of Oklahoma

Department of Corrections

Place of employment and/or residence: ~~WSKCC~~

How is this person sued? () official capacity, () individual capacity, (✓) both

3. Defendant No. 2

Name and official position: Lonnie Lawson, Warden at

WKCC facility

Place of employment and/or residence: WSKCC; P.O. Box 61

Fort Supply, Oklahoma 73841

How is this person sued? () official capacity, () individual capacity, (✓) both

If there are more than two defendants, describe the additional defendants using this same format on a separate sheet(s).

V. Cause of Action

Instructions

1. *Provide a short and plain statement of each claim.*
 - Describe the facts that are the basis for your claim.
 - You can generally only sue defendants who were directly involved in harming you. Describe how each defendant violated your rights, giving dates and places.
 - Explain how you were hurt and the extent of your injuries.
2. *You are not required to cite case law.*
 - Describe the constitutional or statutory rights you believe the defendant(s) violated.
 - At this stage in the proceedings, you do not need to cite or discuss any case law.
3. *You are not required to attach exhibits.*
 - If you do attach exhibits, you should refer to the exhibits in the statement of your claim and explain why you included them.
4. *Be aware of the requirement that you exhaust prison grievance procedures **before** filing your lawsuit.*
 - If the evidence shows that you did not fully comply with an available prison grievance process prior to filing this lawsuit, the court may dismiss the unexhausted claim(s) or grant judgment against you. *See* 42 U.S.C. § 1997e(a).
 - Every claim you raise must be exhausted in the appropriate manner.
5. *Be aware of any statute of limitations.*
 - If you are suing about events that happened in the past, your case may be subject to dismissal under the statute of limitations. For example, for many civil rights claims, an action must be brought within two years from the date when the plaintiff knew or had reason to know of the injury that is the basis for the claim.

6. Do not include claims relating to your criminal conviction or to prison disciplinary proceedings that resulted in loss of good time credits.
- If a ruling in your favor "would necessarily imply the invalidity" of a criminal conviction or prison disciplinary punishment affecting the time served, then you cannot make these claims in a civil rights complaint unless you have already had the conviction or prison disciplinary proceeding invalidated, for example through a habeas proceeding.

Claims

List the federal right(s) that you believe have been violated, and describe what happened. Each alleged violation of a federal right should be listed separately as its own claim.

1. Claim 1:

- (1) List the right that you believe was violated:

The jurisdiction of the court in this claim arises out of
8th Amendment, 14th Amendment

- (2) List the defendant(s) to this claim: (If you have sued more than one defendant, specify each person or entity that is a defendant for this particular claim.)

Kitchen supervisor P. Elsi, Deputy Warden Carrie Bridges, Warden Lonnie
Lawson, Administrative Reviewing Authority Mark Knutson, Director Scott Crow
Unit Manager Linda Eike, Unit Manager Susan Goodwin, Medical Supervisor
Cheri Atkinson, CHSA Tammy Foster, OCS T. Lauer, Kitchen Supervisor Pludau, Glover
D.D.S Paul Haines

(3) List the supporting facts:

I've never been diagnosed with a Chronic disease (cardiac, hypertension) until
after 3 months of being at this Facility WKCC, caused by constantly consuming added
poisonous & deleterious ingredients in this process Foods. Consequently, WKCC kitchen
supervisor Elsi, kitchen supervisor Glover, Warden Lonnie Lawson,

(4) Relief requested: (State briefly exactly what you want the court to do for you.)

A) See attached documents

2. Claim II:

(1) List the right that you believe was violated:

First Amendment, 14th Amendment and Discrimination

(2) List the defendant(s) to this claim: (If you have sued more than one defendant, specify each person or entity that is a defendant for this particular claim.)

Warden Lonnie Lawson, ARA Mark Knutson, Scott Crow, Linda
Eike, Susan Goodwin, Carrie Bridges

(3) List the supporting facts:

See attached documents

(4) Relief requested: (State briefly exactly what you want the court to do for you.)

See attached documents

If there are more than two claims that you wish to assert, describe the additional claims using this same format on a separate sheet(s).

VI. Declarations

I declare under penalty of perjury that the foregoing is true and correct.

Jerome David
Plaintiff's signature

5-19-2021
Date

I further declare under penalty of perjury that I placed this complaint in the prison's legal mail system, with the correct postage attached, on the 19 day of May, 2021.

Jerome David
Plaintiff's signature

5-19-2021
Date